

1 JEROME SCHREIBSTEIN (SBN: 154051)
2 LAW OFFICE OF JEROME SCHREIBSTEIN
3 Embarcadero Center West
4 275 Battery Street, Twentieth Floor
5 San Francisco, CA 94111
6 Telephone: (415) 986-5900
7 Facsimile: (415) 986-8054

5 Attorneys for Defendant
6 EAGLE SYSTEMS INTERNATIONAL, INC., dba
7 SYNERGY COMPANIES (erroneously sued herein as
8 Synergy Companies and Eagle Systems International, Inc.)

7 DANIELLA PAYES (SBN: 224726)
8 CHARLES SWANSTON (SBN: 181882)
9 B. JAMES FITZPATRICK (SBN: 129056)
10 FITZPATRICK, SPINI & SWANSTON
11 Attorneys at Law
12 838 S. Main Street, Suite E
13 Salinas, CA 93901
14 Telephone: (831) 755-1311
15 Facsimile: (831) 755-1319

12 Attorneys for Plaintiff
13 EDWARD I. RUANO

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 EDWARD I. RUANO,) CASE NO. C07-02679 EMC
18 Petitioner,) (Alameda County Superior Court Case No.
19 v.) HG 07318073)
20) **JOINT STIPULATION AND**
21 **[PROPOSED] ORDER ON REMAND**
22 SYNERGY COMPANIES, EAGLE SYSTEMS)
23 INTERNATIONAL, INC., DEMAND SIDE)
24 ENVIRONMENTAL, LLC., SAL VACARRO,)
25 JUAN ORNELAS, and DOES 1 through 20,)
26 Inclusive,)
27 Defendants.)
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25 **STIPULATION**

26 Plaintiff EDUARD I. RUANO (“Plaintiff”) and Defendant EAGLE SYSTEMS
27 INTERNATIONAL, INC., dba SYNERGY COMPANIES (erroneously sued herein as
28

1 Synergy Companies and Eagle Systems International, Inc.) (herein, "Defendant"), through their
 2 respective counsel, stipulate as follows:

3 1. On March 29, 2007, Plaintiff filed his original Complaint in the Alameda County
 4 Superior Court, Case No. HG 07318073 (the "State Court"), naming as defendants, SYNERGY
 5 COMPANIES, EAGLE SYSTEMS INTERNATIONAL, INC., DEMAND SIDE
 6 ENVIRONMENTAL, LLC., SAL VACARRO, JUAN ORNELAS, and DOES 1 through 20,
 7 Inclusive (the "Action");

8 2. On May 23, 2007, Defendant removed the Action on diversity grounds under 28
 9 U.S.C. § 1332 and 28 U.S.C. § 1441(b) based upon contentions that (a) Defendants Eagle
 10 Systems and Demand Side Environmental, LLC are Utah corporations with their principal places
 11 of business in Orem, Utah and Saint George, Utah, respectively; and (b) that individual
 12 defendants Sal Vaccaro and Juan Ornelas were (collectively, the "Individual Defendants")
 13 "sham" defendants;

14 3. Based upon further research, Plaintiff (a) has determined that the legal claims as
 15 against the Individual Defendants are deficient and that these defendants will be dismissed with
 16 prejudice from the Action; and (b) alleges that he was also employed by Synergy Enterprises,
 17 Inc. ("SEI"), allegedly a California corporation. Defendant neither admits nor denies that
 18 Plaintiff was employed by SEI;

19 4. The Action should be remanded to State Court in order that (a) the Individual
 20 Defendants may be dismissed from the Action with prejudice, with no costs or fees to be
 21 imposed on either side; and (b) Plaintiff may file a First Amended adding SEI and Synergy
 22 Environmental, Inc., another entity for whom Plaintiff alleges he worked; and

23 5. That each of Plaintiff and Defendant, and their respective counsel, believes the
 24 other has acted in all matters in good and diligent faith with regards to issues of pleadings and
 25 that no costs or fees should be imposed on either side and that the Action should be remanded
 26 forthwith to the State Court for further proceedings.

27 IT IS SO AGREED:

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GORDON & REES, LLP
ATTORNEYS AT LAW
EMBARCADERO CENTER WEST
275 BATTERY STREET, TWENTIETH FLOOR
SAN FRANCISCO, CA 94111
(415) 986-5900

1 Dated: June 19, 2007

FITZPATRICK, SPINI & SWANSTON

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By: /S/

Daniella Payes, Esq.

Attorneys for Plaintiff EDUARD I.
RUANO

Dated: June 19, 2007

LAW OFFICE OF JEROME SCHREIBSTEIN

By: /S/

JEROME SCHREIBSTEIN

Attorneys for Defendant
EAGLE SYSTEMS INTERNATIONAL,
INC., dba SYNERGY COMPANIES
(erroneously sued herein as Synergy
Companies and Eagle Systems
International, Inc.)

ORDER

GOOD CAUSE APPEARING, the above-entitled Action is hereby remanded to the Alameda County Superior Court for further proceedings consistent with the parties' above Stipulation. Neither party shall be assessed fees or costs with regards to this order of remand.

IT IS SO ORDERED.

Dated:

HONORABLE EDWARD M. CHEN
United States Magistrate Judge